

# United States Court of Appeals

District of Columbia Circuit

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## NOTICE OF FINAL RULE

In accordance with the provisions of D.C. Circuit Rule 47, notice of an interim amendment to D.C. Circuit Rule 27, Motions and Petitions, and changes to the Court's *Handbook of Practice and Internal Procedures* was provided on July 13, 1998, with an opportunity to comment.

The Advisory Committee on Procedures received comments on the proposed amendment. After consideration of these comments, the Advisory Committee transmitted to the Court its recommendation that the proposed amendment be adopted in final form with some revisions. The Court considered the comments of the Advisory Committee and accepted its recommendation. The Court has ordered that the amendment to the rule and the *Handbook* be adopted with the revision recommended by the Advisory Committee, effective December 8, 1998.

Copies of this notice have been published this date by the means specified in D.C. Circuit Rule 47.

/s/ Mark J. Langer  
Clerk

Issued: December 8, 1998

## United States Court of Appeals

For the District of Columbia Circuit

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**BEFORE:** Edwards, Chief Judge; Wald, Silberman, Williams, Ginsburg, Sentelle, Henderson, Randolph, Rogers, Tatel, and Garland, Circuit Judges.

### ORDER

It is **ORDERED** by the Court, *en banc*, that Circuit Rule 27(e)(1) be amended to read as follows:

#### CIRCUIT RULE 27 MOTIONS AND PETITIONS

##### (e) Clerk May Dispose of Certain Motions

(1) *Procedural Motions.* The clerk may dispose of procedural motions, in accordance with the court's instructions. Instead of granting or denying a motion under the authority afforded by this subparagraph, the clerk may submit it to a panel or to an individual judge of the court.

It is further ORDERED by the Court, *en banc*, that pages 55 and 68 of the Court's *Handbook of Practice and Internal Procedures* be amended to read as follows:

Page 55, C. Disposition by the Clerk: Delete the word "unopposed" in paragraph 1.

Page 68: Insert the following language before the last paragraph.

With respect to cases that have been calendared for oral argument, the Court has instructed the Clerk to deny motions for extensions of time to file briefs (except for very modest extensions) where no explanation for the request is provided or where the need for the extension is attributed to: (1) production difficulties such as malfunctioning equipment, delivery problems, or the lack of secretarial help; or (2) the press of other business. The Clerk may, upon an appropriate showing, grant motions for modest extensions of time.

Untimely or unwarranted motions for extensions of time may result in the imposition of sanctions. If sanctions are appropriate, the Court may consider issuing an order to show cause that requires further explanation from counsel; imposing a fine payable to the Court; assessing attorneys' fees; or referring counsel to the Court's disciplinary committee. The failure by appellant or petitioner to file a timely brief may result in dismissal of the appeal.

This amendment is effective December 8, 1998.

*Per Curiam*  
FOR THE COURT:  
/s/ Mark J. Langer  
Clerk